

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BERNABE TEJADA BATISTA

Plaintiff

v.

CIVIL NO. 97-1430 (JAG)

JOSE A. FUENTES AGOSTINI,
ET AL

Defendants

MOTION REQUESTING ORDER
FOR PAYMENT OF SENTENCE

TO THE HONORABLE COURT:

COMES NOW the plaintiff, BERNABE TEJADA BATISTA, through the undersigned counsel and before this Honorable Court, respectfully, states, alleges and prays as follows:

On February 27, 2003 a jury verdict was returned in favor of the plaintiff in the amount of \$125,000.00 against defendants Lydia Morales and Domingo Alvarez. Judgment was entered the same day. A subsequent Motion for Attorney's Fees was granted in the amount of \$62,610.00. A timely bill of costs was filed, but held in abeyance by the Clerk of the Court pending the decision of the appeal taken by the defendants to the United States Court of Appeals for the First Circuit.

The jury verdict was upheld by the United States Court of Appeals for the First Circuit on September 20, 2005. Attorney's Fees were granted on appeal in the amount of

\$9,737.50 and costs on appeal were taxed on \$83.40. The Bill of Costs was renewed before the Clerk of this Honorable Court and it is still pending taxation.

The plaintiff was reinstated to his former position at the Department of Justice of the Commonwealth of Puerto Rico in accordance with the Order of this Honorable Court and payment was recently made directly to the plaintiff for salaries covering the period from the final judgment ordering his reinstatement up to his actual reinstatement.

Plaintiff has not paid the corresponding attorney's fees to the undersigned regarding that payment received for back pay after judgment and previous reinstatement.

The government has assumed the payment of the sentence against the defendants in this case and a check in the total amount of the jury verdict, attorney's fees and costs will be issued shortly. The plaintiff is aware that attorney's fees are due and payable not only from this sentence but from the back pay already paid directly to him.

In order to secure the payment of attorney's fees to the undersigned counsel for all her work in this ten year litigation conducted in a contingency basis and payment of litigation costs to the undersigned counsel, the undersigned counsel requests this Honorable Court to order the government, through the Department of Justice, which represented the defendants in this case, to issue the check for the sentence and attorney's fees and costs payable to the Clerk, United States District Court for the District of Puerto Rico and that the same be deposited in an interest bearing account until the undersigned counsel and the plaintiff move together for the withdrawal of the monies and inform the Honorable Court the amounts and the names to whom the checks shall be issued to.

WHEREFORE, it is respectfully requested to this Honorable Court to issue an Order as requested.

RESPECTFULLY SUBMITTED

IT IS HEREBY CERTIFIED that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Mr Francisco Ojeda Diez, Esq. through his electronic addresses.

In San Juan, Puerto Rico, October 14, 2006.

/S/ Irma R. Valldejuli

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